

**Attachment:**  
**Seattle Planning Commission**  
**Detailed Comments on the Neighborhood Business District Strategy**

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**CHAPTER 2: COMMERCIAL ZONES**

**Seattle's Five Commercial Zones**

*Comment:* Changing the location criteria for commercial zones, so that they describe the stated goals and desired future character of an area rather than its existing character, is consistent with the Comprehensive Plan's urban village strategy. Historically, when zoning maps were first drawn, they mainly codified existing land uses and development patterns. Subsequently, zoning has served mainly a protective role, aimed at preventing conflicts between land uses deemed "incompatible" and preventing the intrusion of "undesirable" uses into areas where existing uses were deemed "desirable." More recently, zoning has been developed as a tool to encourage certain development patterns, and the Comprehensive Plan relies on this approach as fundamental to the Urban Village Strategy. The Neighborhood Commercial zones and the Pedestrian designations fall into this category of land use regulation.

*Caveat:* As a tool to encourage desired development patterns, zoning regulations necessarily work mainly in a proscriptive way, i.e. they prohibit what is not desired, thus by default "encouraging" what is desired. Incentives through zoning, although seen as a form of positive encouragement, mainly work by relaxing proscriptive regulations. If market conditions, even with incentives, do not support the desired development pattern, no amount of "encouragement" by zoning will cause it to occur. This is not universally understood by the general public and could create misunderstandings and in some instances, unfulfilled expectations.

**Pedestrian Designations**

*Comment:* In view of the other proposed changes to regulations, particularly with regard to parking, combining the two P designations furthers the goal of code simplification.

*Caveat:* The mapping that would implement the regulatory changes in the proposal has not been completed. Generally, land use regulations and the map that implements them work together, and it is impossible to completely understand or predict the effect of regulatory changes without a complete map of their implementation. This is discussed more thoroughly below under Residential Uses in Commercial Areas.

*Recommendation:* Provide DPD with adequate resources to complete the mapping concurrent with the code changes or at least by the end of this year.

**Residential Designations (NC/R)**

*Comment:* In view of the other proposed changes to regulations, particularly with regard to residential uses at street level, elimination of this designation furthers the goal of code simplification.

## **Other Changes to Rezone Criteria**

*No Comment*

## **CHAPTER 3: USES**

### **Use Chart**

*Comment:* The proposed changes further the objective of code simplification through elimination of unnecessary and redundant use categories.

### **Conditional Uses**

*Comment:* The proposed changes further the objective of code simplification and flexibility

### **Other Uses**

*Comment:* The proposed changes are non-substantive and further the objective of code simplification through elimination of unnecessary and redundant regulations.

## **Residential Uses in Commercial Areas**

*Comments:*

This is the most complicated as well as the most significant element of the proposal. It has also been a controversial issue for many years. It therefore deserves to be more directly addressed in the Executive Summary. An incomplete explanation is offered on page iv of the Executive Summary and on page v the change is not listed among the Recommendations.

The current regulations attempt to encourage mixed-use development by limiting or discouraging single purpose residential development in commercial zones. In certain neighborhoods, as a result of the neighborhood planning process, single-purpose residential development is either prohibited or permitted outright, according to maps drawn specifically for this purpose. In all other areas, single-purpose residential development in commercial zones is permitted as an administrative conditional use, and is subject to limitations on residential density.

The current regulations have worked well in some areas, and not in others. Successful mixed-use development has occurred in many neighborhoods where there is a market supportive of the types of businesses that the regulations are intended to foster. In other areas, where there has not been a supportive market, either no development has occurred, or new storefronts remain vacant, often for years. In some cases the commercial space, which can be difficult or impossible to finance, has been a burden to city-funded affordable housing developments.

In general the mixed-use regulations have been too broadly mapped, and this is the main issue to be addressed in reform of the regulations. Whether through over-zoning of

Neighborhood Commercial, or through an overly-optimistic planning process in certain neighborhoods, there are areas subject to the restrictions on single-purpose residential development, where there is insufficient market support for mixed-use development. Higher-density, single-purpose residential development of these areas, unfettered by mixed-use regulations, would help to support the market for nearby neighborhood commercial businesses.

The proposed changes address the mapping issue primarily by using the P designation to establish where commercial uses at street level are required. To date, six neighborhoods have been studied for re-mapping of the P designation, i.e. to see whether its extent should be increased, reduced, or left as is. In all six cases the extent of the P designation has been increased. DPD's intent, as stated in the Director's report, is to study additional neighborhoods for possible re-mapping in 2005. We have two concerns in this regard:

- Just as the mixed-use regulations have been too broadly mapped in the past, there is a risk that they will now become too narrowly mapped. Absent completion of the mapping, it is not possible to evaluate whether the mapping correctly identifies those areas that can support mixed use development.
- Some landowners will be placed in a position where a restriction on the use of their property will be lifted, only to have that restriction re-imposed in the future. Generally, uncertainty with regard to land use regulation is regarded, among landowners and the development community, as worse than any regulation.

The proposed changes also address the mapping issue by maintaining the requirement for street-level commercial use in NC1 zones facing arterials. Some, but by no means all, NC2 zones are similar in character to NC1 zones and should be similarly protected. Some of these areas are outside urban villages, yet need to be evaluated with the same priority as the remaining urban villages. Use of the P designation to map those NC2 zones that should be protected may impose unnecessary burdens on those areas.

In the case of the Bitter Lake and Lake City urban villages, the blanket restriction on single-purpose residential uses in commercial zones has been left in place under the current proposal. These are example of too-broad mapping of this issue, as in both neighborhoods there are areas that are not suited for mixed-use development.

### **Street Level Uses in Pedestrian Designated Areas**

*Comment:* The proposed changes further the objective of code simplification and flexibility. The changes should promote mixed-use development by loosening restrictions on the size of new businesses and treating new and existing businesses the same. The proposed size limitations are not so great as to adversely affect the character of neighborhood business districts.

## **CHAPTER 4: DEVELOPMENT STANDARDS**

### **Bulk and Density Controls**

#### *Comments:*

The current regulation of building bulk for mixed-use development takes the form of a height limitation and a coverage limitation of 64% for the residential floors (assumed to the second floor and those above). The 64% coverage limitation is arbitrary and less than optimal for residential development. Generally, residential buildings will rarely exceed 75% coverage due to requirements for light and air to habitable rooms. The 64% limitation is unnecessarily restrictive and tends, unless design departure is granted through the Design Review process, to result in buildings with uniform floor plates and a more monotonous appearance than a more flexible bulk limitation tool might produce. While the FAR method of bulk limitation may appear more complicated, it is widely used method (for example, in Seattle's downtown zones) and is universally understood by developers, architects, and planners. The FAR method will allow greater flexibility in the design of buildings to address issues of scale and massing. The proposed FAR limitations are consistent with an average 75% coverage at the upper stories and provide a modest incentive for mixed-use development.

The higher FAR for certain overlay districts is consistent with current unlimited coverage in these areas.

The elimination of residential density limits for non-mixed use buildings is a necessary element of the proposed changes to Residential Uses in Commercial Areas, discussed above.

*Recommendation:* The Commission strongly supports the proposed changes to bulk and density controls and recommends adoption by Council.

### **Street-Level Requirements and Guidelines**

#### *Comments:*

The proposed street level standards for non-residential uses pertain to blank facades and transparency at street level as well as the minimum dimensions of non-residential spaces. While the proposed code language is clear enough as to the requirements, the explanation in the Director's report, particularly as to the hierarchy of the standards, is insufficient.

The proposed standards for residential uses at street level correctly address the need for privacy of the residents together with the need for security through visual surveillance of the street. Floor level must be four feet above the sidewalk in order that the window sill will be above the eye level of passersby on the sidewalk, as in a traditional apartment building. This will enable the first-floor residents to keep their window blinds open, avoiding the situation with so-called "live-work" units at sidewalk level, where the always-closed blinds amount to a blank façade. As an option, the residential use can be set back 10 feet.

The proposed requirement for a "visually prominent pedestrian-oriented entry" on "each street-level façade facing a street" imposes an unnecessary burden on residential development. Normally, an apartment building has only one entry. The entry is where the mailboxes are located, as well as the elevator core and the building directory, which visitors

must use to be allowed entry. A large apartment building may have a concierge stationed at the entry. The building address, important to visitors as well as emergency responders, is based on a single entry. Multiple entries will add significant expense to a development while reducing the revenue-producing floor area and compromising security.

*Recommendation:* Do not require more than one entry to a residential building.

The Commission has not had time to study the proposed change regarding Development Standard Departures. The proposal is to change from a list of standards that can be modified, to a list of standards that cannot be modified, with the implication that any standard not on the new list can be modified. This broadens the scope of regulations that are subject to modification through Design Review. While the Commission generally supports this idea, we are concerned that there may be unintended consequences.

### **Requirements for Residential Amenities**

*Comment:* The current requirement for open space equal to 20% of the gross floor area in residential use is excessive in view of the actual need and resident preferences. The Commission supports the proposed changes.

## **CHAPTER 5: PARKING**

*Comment:* The Commission agrees that the City's current parking requirements are out of date and generally supports reducing minimum on-site parking requirements. The proposed reductions in minimum on-site parking requirements are intended to bring the requirements better in line with actual demand, thus reducing the adverse impacts of excessive parking requirements.

*Caveat:* Parking needs, as well as attitudes toward parking requirements, vary among neighborhoods around the city. It may be necessary to refine the proposed changes with additional locational criteria.